

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 709 of 1983

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.DAVE and
MR.JUSTICE A.M.KAPADIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? No
2. To be referred to the Reporter or not? No
3. Whether Their Lordships wish to see the fair copy of the judgement? No
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? No
5. Whether it is to be circulated to the Civil Judge? No

GUJCHEM DISTILLERS INDIA LTD.

Versus

THE DISTRICT MAGISTRATE, VALSAD DISTRICT

Appearance:

MR KS NANAVATI for Petitioner
SERVED for Respondent No. 1, 3
PUBLIC PROSECUTOR for Respondent No. 2

CORAM : MR.JUSTICE S.D.DAVE and
MR.JUSTICE A.M.KAPADIA

Date of decision: 12/12/97

ORAL JUDGEMENT

The petitioner, Gujchem Distillers India Limited,

Bilimora in Valsad District, a Limited Company registered under the Companies Act, 1956, had filed this petition way back in year 1983. One should be precise in giving the date which is 9.6.1983. Rule was issued and ad-interim relief in terms of para 16 (b) of the petition came to be granted.

The petitioner company under the petition wanted to challenge the impugned orders Annexure 'D' issued by the District Magistrate, Valsad. Because of the ad-interim relief granted by this Court, nothing could be done further in pursuance of the above-said procedure being adopted by the District Magistrate, Valsad.

While one looks at the orders passed by this Court on earlier occasion on October 22, 1997 it is apparent that the learned counsel for the company had presented a note with a request for an order to delete their appearance. At that time since the necessary procedure was found not to have been completed, under the earlier orders, this Court had preferred to issue notice to the unit and had also called for the required report from the unit regarding the effluent status of the unit. The orders also show that when the GPCB officers had gone to the unit for the service of the notice they could find out that the Secretary of the company was not there and that the Managing Director was out of station. Somebody who was present on the spot had refused to accept the service of the notice. Earlier orders, therefore, recognise the fact situation that on that day the unit was found not to be operating.

Regard being had to the facts and circumstances of the case and to a prominent feature that the petition came to be filed and Rule came to be issued and the interim relief came to be obtained in year 1983 and that too also against the orders-cum-notice of the District Magistrate, Valsad, Annexure 'D', in our opinion, the present petition requires to be disposed of. We order accordingly.

We would like to clarify that according to the earlier orders of this Court, the company unit was found not to be working or operating. We, therefore, say that the petitioner company shall not commence the operation once again without having obtained the prior permission of this Court.

The petition stands disposed of with the above-said orders. Rule shall stand discharged. Interim relief granted by the Court earlier shall stand vacated.
